

REMARKS

In response to the July 12, 2006 Official Action the Applicant hereby makes the above noted amendments and the below remarks, which it believes places the Claims in condition for allowance. Claims 1 - 27 are pending in the application. Claims 5 and 7 are cancelled and withdrawn Claims 8 - 27 have been cancelled herein to further place the Claims in condition for allowance.

35 USC §112

Claims 2 and 5 are rejected under 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 has been cancelled and Claim 2 has been amended to correct the antecedent problems pointed out by the Patent Office. Reconsideration of this rejection is respectfully requested.

35 USC §103

Claims 1 – 3 are rejected under 35 USC 103(a) as being unpatentable over US Patent 6,164,967 (Sale) in view of US Patent 5,570,709 (Haddad). Applicant appreciates the teachings of Sale and Haddad, however, these references do not teach each and every element of the claimed invention.

Sale teaches the delivery of fluid to a powered toothbrush that utilizes a removable disposable neck assembly that contains a fluid reservoir. In accordance with the teachings of Sale, fluid is distributed around the periphery of the brush. The only other embodiment disclosed and taught by Sale is the use of a tongue scarper which has multiple outlets in an edge of the scraper (Fig 6c and 6d of Sale). Sale lacks any teachings or motivation of the use of a flosser. However, the Patent Office states the Haddad teaches the use of a flosser, and that such combination is applicable to the present invention. While the Patent Office is correct in that the Haddad patent does teach flosser with fluid discharge, the combination does not teach each and every element of the present invention. Haddad specifically disclosures a flosser, which includes a pair of arms 38 that extend from a centrally positioned region 54 (Fig 6 of Haddad). Each arm 38 includes an opening 40 that release the fluid (shown as fluid 44 on FIG 3

of Haddad) transversely with the position of the flossing material. Both Sale and Haddad fail to teach the following claimed elements:

a neck and head assembly attached to the reservoir body in communication with the upper aperture, and having an outlet aperture **centrally positioned in the neck and head assembly, the outlet aperture** for expelling pressurized liquid contained in the reservoir body, and

a flossing head secured to the neck/head assembly that includes a piece of flossing material that is supported over the **centrally positioned** outlet aperture such that expelled pressurized liquid flows over said piece of flossing material.

The combination of Haddad with Sale would simply add to Sale a flosser head that includes openings in the arms to release the fluid. The combination of the two references does not teach or motivate one skilled in the art to provides a centrally positioned outlet in the head of the flosser such that fluid released from the single outlet will specifically flow over a piece of flossing material. This is an important feature of the Claimed invention, as it aims the fluid exactly where the flossing material is going (between the user's teeth). Haddad directs the fluid on either side of the teeth, and not focused down towards the teeth. Reconsideration is requested.

Double Patenting

Claims 1 – 3 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claim 1 of US Patent No. 6,689,078 in view of Haddad. A terminal disclaimer is being filed herewith to overcome the double patenting rejection.


35 USC §102

Claims 4-6 are rejected under 35 USC 102(b) as being anticipated by Haddad. As mentioned above Haddad only discloses and teaches the use of a flosser with a pair of arms and fluid outlets in each arm, such that fluid is dispensed transversely with the position of the flossing material. Amended Claim 4

teaches a new method of delivering fluid from a flosser. The claim includes the following elements not taught or disclosed by Haddad: a flossing head assembly that includes a **pair of arms extending in an arc from a central region creating a cavity therebetween, said aperture being centrally positioned in said central region between said pair of arms, and a** piece of flossing material that is supported **by the pair of arms** over the aperture such that dispensed pressurized fluid runs over said piece of flossing material. Failing to teach every element of the present invention precludes a finding of anticipation under 35 USC 102. Reconsideration of Claims 4 and 6 is requested.

The application is believed to be in condition for allowance. If the Office has additional questions, please contact the undersigned at 312-521-2775.

Respectfully submitted,

By: 

Adam K Sacharoff
Reg. No. 43,075

Much Shelist Freed Denenberg Ament & Rubenstein, PC
191 N. Wacker Drive, Suite 1800
Chicago, IL 60606